

MINUTES

North Dakota State Water Commission  
Meeting Held At  
Ramada Inn  
Minot, North Dakota

December 5, 1975

The North Dakota State Water Commission held a meeting at the Ramada Inn in Minot, North Dakota, on December 5, 1975. Governor-Chairman, Arthur A. Link, called the meeting to order at 10:00 a.m., and requested Secretary Fahy to present the agenda to the Commission members.

MEMBERS PRESENT:

Arthur A. Link, Governor-Chairman  
Richard Gallagher, Vice Chairman, Mandan  
Alvin Kramer, Member from Minot  
Gordon Gray, Member from Valley City  
Arthur Lanz, Member from Devils Lake  
Arlene Wilhelm, Member from Dickinson  
Myron Just, Commissioner, Department of Agriculture, Bismarck  
Vernon Fahy, State Engineer, Secretary and Chief Engineer, North Dakota State Water Commission, Bismarck

OTHERS PRESENT:

Matt Emerson, Assistant Secretary, North Dakota State Water Commission, Bismarck  
Murray Sagsveen, Director of Legal Services, North Dakota State Water Commission, Bismarck  
Art Thoraldson, Grand Forks County Water Management District  
Olger Sandven, Benson County Water Management District  
Gerald R. Henderson, Natural Gas Pipeline Company, Chicago, Illinois  
Robert S. Burns, Peoples Gas Company, Chicago, Illinois  
Ken Crites, KXMC, Minot  
Clarence Welander, Fullerton, ND  
Paul Newburgh, KLPM, Minot  
Ernest R. Fleck, ANG Coal Gasification Company, Bismarck  
R. W. Lindgren, Natural Gas Pipeline Company, Chicago, Illinois  
Alan Grindberg, Attorney, Bismarck  
A. M. Weiss, Natural Gas Pipeline Company, Chicago, Illinois  
Chuck Rupe, Natural Gas Pipeline Company, Bismarck  
Reuben W. Dewald, Ashley, ND  
Vincent F. Reed, Grand Forks County Water Management District  
Ken Ziegler, Basin Electric Power Cooperative, Bismarck

Proceedings of the meeting were tape recorded to assist in compilation of the minutes.

**CONSIDERATION OF MINUTES  
OF NOVEMBER 19, 1975  
MEETING**

The minutes of the November 19, 1975 Commission meeting were distributed, but not approved, pending review by the Commission members.

**CONSIDERATION OF BELMONT  
FLOOD CONTROL PROJECT,  
GRAND FORKS  
(SWC Project No. 1105)**

Secretary Fahy referred to the request for financial assistance in the amount of \$110,000 made at the September 29-30, 1975 meeting to build a flood control project in

Grand Forks. He then introduced Mr. Art Thoraldson, Chairman, of the Grand Forks County Water Management District, who in turn updated the Commission members on actions taken by the City of Grand Forks relative to assessing property owners for part of the project finances. Questions and discussions involving assessments did not satisfy the Commission members, therefore, Secretary Fahy was asked to further study the assessment apportionment and report at the next Commission meeting.

**DISCUSSION REGARDING  
SETTING LAKE LEVEL FOR  
SPIRITWOOD LAKE,  
STUTSMAN COUNTY  
(SWC Project No. 461)**

Secretary Fahy reviewed actions taken in the controversy over flood control elevations at Spiritwood Lake and informed the Commission members of the considerations made in developing criteria to establish a tentative

lake level elevation of 1442 feet above sea level. He further discussed the problems to be solved before an outlet can be established. He explained that protection must be provided to eliminate any possibility of release of grass-eating carp to downstream waters.

**CONSIDERATION IN SETTING  
DATE FOR PUBLIC HEARING  
ON APPLICATION FILED BY  
BASIN ELECTRIC POWER  
COOPERATIVE FOR WATER  
PERMIT  
(SWC Water Permit No. 2179)**

Secretary Fahy reminded the Commission members of their decision at the last meeting to set a hearing date for a water permit application filed by Basin Electric Power Cooperative for industrial water near Renner Bay in Mercer County. After some discussion, the date was set for January 20, 1976,

at 10:00 a.m., Mountain Standard Time, Hazen, North Dakota. It was also decided to have a business meeting in Bismarck the following day, January 21, 1976.

**CONSIDERATION OF REQUEST BY  
CITY OF UNDERWOOD FOR GROUND-  
WATER STUDY  
(SWC Project No. 1290)**

Action was deferred until a proposal can be worked out by staff.

**CONSIDERATION OF  
WATER PERMIT REQUESTS**

Secretary Fahy presented APPENDIX "A" attached hereto, which represents water permit requests. He indicated

that his staff has reviewed each application and has made recommendations

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noted on the attachment. It was his recommendation that the Commission approve those requests as indicated, and defer those requests recommended for further study and information.

After discussion and the Commission reviewed those requests for a water permit listed on APPENDIX "A", it was moved by Commissioner Lanz, seconded by Commissioner Wilhelm, and carried, that the Commission approve the following water permit requests, subject to the conditions indicated on the respective application: No. 2282 - John R. Dahl, Gackle; No. 2310 - Marcus Heiser, Manning; No. 2311 - Marvin W. Mund, DeLamere; No. 2309 - Eldon Streich, Englevale; No. 2298 - Leif Tjelde, Cartwright; No. 2306 - Leslie Nesvig, LaMoure; No. 2318 - Harry Cline, Oakes; No. 2315 - Marvin P. Miller, Gackle (this permit was approved by State Engineer on October 29, 1975 - now being reaffirmed by Commission); No. 2316 - Kenneth Magilke, Solen; No. 2307 - Carl W. Throlson, Sheyenne; No. 2276 - Robert E. Mohberg, Milnor; No. 2283 - Claire E. Bjorgen, Westby, Montana; No. 2320 - Royce Dahl, Verona; No. 2322 - Richard Huether, Lisbon; No. 2308 - Donald M. and Ruth L. Garnas, Page (this permit was approved by State Engineer on October 24, 1975 - now being reaffirmed by Commission); No. 2313 - Robert Johnson, Tolna; No. 2324 - Albert A. Esken, Bottineau; No. 2195 - Francis Vculek, Crete; No. 2279 - Butts Farming Association, Carrington; No. 2279A - Ms. Frances Kaal, Carrington; No. 2301 - Raymond Haugen, Valley City (this permit was approved by State Engineer on November 21, 1975 - now being reaffirmed by Commission); No. 2293 - Cass Rural Water Users, Inc., Kindred; No. 2171 - Dwayne Steichen, Tappen; No. 2168 - Walter Hufnagel, Tappen; No. 2314 - James P. and John B. Iglehart, Emmet; No. 2321 - Ehlis Brothers, New England; and No. 2327 - North Valley Water Association, Inc., Cavalier.

It was moved by Commissioner Lanz, seconded by Commissioner Wilhelm, and

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carried, that permit No. 2271 - Fred Dohrmann, Taylor, be denied, as it was the Commission's feelings that the availability of water is inadequate in the particular area of the applicant's request.

It was also moved by Commissioner Lanz, seconded by Commissioner Wilhelm, and carried, that the Commission defer action at this time on the following water permit requests pending additional information and study:

No. 2296 - William Lambrecht, Lisbon; No. 2317 - City of Surrey, Surrey; No. 2304 - Robert E. Andrews, Bowman; No. 2323 - Edward F. Walton, Wyndmere; and No. 2134 - Donald C. Wallace Family Trust, Long Beach, California. (SEE APPENDIX 'A')

**CAVALIER COUNTY DRAINAGE  
(SWC Project No. 1098)**

Alan Grindberg, an attorney for a farmer-client in Cavalier County, made a request to have either the

local water management district or the State Water Commission enforce the drainage resolution and statutes relative to alleged illegal drainage in the area of Rush Lake in Cavalier County. A lengthy discussion followed. Secretary Fahy assured the Commission members that he and his staff were attempting to work with present statutes and resolution, but noted that the problem may have to be solved by legal action of local officials or through civil complaints which might be filed by the state against the offenders. The State Engineer was requested to send a letter to a number of property owners in the county advising them against further drainage without proper permits and informing them that action is being considered, which could force closing of some illegal drains.

**WATER MARKETING TO  
INDUSTRIAL USERS BY  
BUREAU OF RECLAMATION  
(SWC Project No. 1494)**

Secretary Fahy called on Murray Sagsveen to review staff discussions with the Bureau of Reclamation to ensure the inclusion of provisions favorable to the state in a water

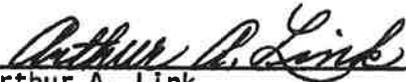
service contract between American Natural Gas Company and the Bureau of Reclamation. The contract will be reviewed by Commission members prior to the next meeting.

Governor Link left the meeting at noon to attend a funeral at Arnegard. The Commission members adjourned for lunch and reconvened at 1:30 for miscellaneous discussions relative to possible conditions to be attached to conditional industrial water permits for energy conversion facilities.

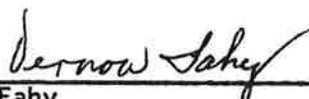
Commissioner Kramer requested some basic information on water charges for a starting point in ensuing discussions.

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At 2:30 p.m., Commissioner Kramer moved to adjourn the meeting. The motion was seconded by Commissioner Gray and was carried.

  
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Arthur A. Link  
Governor-Chairman

ATTEST:

  
\_\_\_\_\_  
Vernon Fahy  
Secretary

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WATER PERMIT AGENDA FOR DECEMBER 5, 1975

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2296	Lambrecht, William - Lisbon (Ransom County)	Sheyenne River, trib. to Red River	Irrigation	880.0 acre-feet 440.0 acres	Defer action at this time pending further study and investigations.
2282	Dahl, John R. - Gackle (Logan County)	Unnamed Lakes, contributing to James River	Irrigation	322.5 acre-feet 214.7 acres	214.7 acre-feet 214.7 acres
2310	Heiser, Marcus - Manning (Dunn County)	Unnamed Dry Channel and the Knife River, trib. to Missouri River	Irrigation- Waterspreading	124.0 acre-feet 62.0 acres	62.0 acre-feet 62.0 acres
2311	Mund, Marvin W. - DeLamere (Sargent County)	Ground Water	Irrigation	320.0 acre-feet 320.0 acres	320.0 acre-feet 285.0 acres
2309	Streich, Eldon - Englevale (Ransom County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	240.0 acre-feet 160.0 acres
2298	Tjelde, Lelf - Cartwright (McKenzie County)	Yellowstone River, trib. to Missouri River	Irrigation	706.8 acre-feet 471.2 acres	706.8 acre-feet 471.2 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2317	Surrey, City of - Surrey (Ward County)	Ground Water	Municipal	60.0 acre-feet	Defer action at this time pending further study and investigations.
2306	Nesvig, Leslie - LaMoure (LaMoure County)	Ground Water	Irrigation	444.0 acre-feet 222.0 acres	333.0 acre-feet 222.0 acres
2318	Cline, Harry - Oakes (Sargent County)	Ground Water	Irrigation	540.0 acre-feet 270.0 acres	405.0 acre-feet 270.0 acres
2315	Miller, Marvin P. - Gackle (Logan County)	Drainage Area to Unnamed Slough, trib. to the non-contributing area of the James River	Irrigation - Waterspreading	21.1 acre-feet 5.1 acres	5.1 acre-feet 5.1 acres (This request was approved by the State Engineer on October 29, 1975)
2316	Magilke, Kenneth - Solen (Sioux County)	Runoff, trib. to Beaver Creek and Cannonball River	Irrigation - Waterspreading	25.8 acre-feet 25.8 acres	25.8 acre-feet 25.8 acres
2307	Throlson, Carl W. - Sheyenne (Eddy County)	Ground Water	Irrigation	2323.0 acre-feet 1549.2 acres	Recommend for approval: 200.0 acre-feet 133.0 acres (Balance of request to be held in abeyance pending additional data)

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2276	Mohberg, Robert E. - Milnor (Ransom County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	435.0 acre-feet 290.0 acres
2283	Bjorgen, Claire E. - Westby, Mont. (Divide County)	Ground Water	Irrigation	204.0 acre-feet 136.0 acres	204.0 acre-feet 136.0 acres
2320	Dahl, Royce - Verona (Ransom County)	Ground Water	Irrigation	480.0 acre-feet 240.0 acres	360.0 acre-feet 240.0 acres
2322	Huether, Richard - Lisbon (Ransom County)	Ground Water	Irrigation	1920.0 acre-feet 960.0 acres	480.0 acre-feet 320.0 acres
2304	Andrews, Robert E. - Bowman (Bowman County)	East Fork Deep Creek, trib. to Little Missouri River	Irrigation	150.0 acre-feet 145.8 acres	Defer action at this time pending further study and investigations.
2323	Walton, Edward F. - Wyndmere (Ransom County)	Ground Water	Irrigation	900.0 acre-feet 560.0 acres	Request that action be deferred on this request at this time pending further study and investigations.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2308	Garnas, Donald M. and Ruth L. - Page (Cass County)	Ground Water	Irrigation	640.0 acre-feet 320.0 acres	300.0 acre-feet 270.0 acres (This request was approved by State Engineer on October 24, 1975)
2313	Johnson, Robert - Tolna (Benson County)	Ground Water	Irrigation	600.0 acre-feet 312.0 acres	468.0 acre-feet 312.0 acres
2324	Esken, Albert A. - Bottineau (Bottineau County)	Unnamed Lake, trib. to Closed Basin - Non-contributing to Souris River Basin	Irrigation	10.0 acre-feet 13.4 acres	10.0 acre-feet 13.4 acres
2271	Dohrmann, Fred - Taylor (Stark County)	Unnamed Intermittent Draw, trib. to Knife River	Irrigation	320.0 acre-feet 161.0 acres	Recommend that this request be denied.
2195	Vculek, Francis - Crete (Sargent County)	Ground Water	Irrigation	1280.0 acre-feet 640.0 acres	Recommend that 202.0 acre-feet to irrigate 135.0 acres be granted - remaining portion of request shall be held in abeyance pending additio- nal yield data on aquifer.

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2279	Butts Farming Association - Carrington (Foster County)	Ground Water	Irrigation	2634.0 acre-feet 2007.0 acres	2228.0 acre-feet 1695.0 acres
2279A	Kaal, Ms. Frances - Carrington (Foster County) (This is a portion of permit No. 2279, which has been purchased by Ms. Kaal)	Ground Water	Irrigation	406.0 acre-feet 312.0 acres	406.0 acre-feet 312.0 acres
2301	Haugen, Raymond - Valley City (Griggs County)	Ground Water	Irrigation	596.0 acre-feet 298.0 acres	Recommend to approve 189.0 acre-feet to irrigate 126.0 acres in SE $\frac{1}{4}$ of Section 31, Twp 144, Rge 59 - NE $\frac{1}{4}$ of Sec 31, Twp 144, Rge 59 to be held in abeyance pending further data. (Approved by State Engineer on November 21, 1975)
2293	Cass Rural Water Users, Inc. - Kindred (Cass County)	Ground Water	Industrial- (Rural Domestic)	1200.0 acre-feet	1200.0 acre-feet
2171	Steichen, Dwayne - Tappen (Kidder County)	Ground Water	Irrigation	648.6 acre-feet 432.4 acres	648.6 acre-feet 432.4 acres

NO.	NAME AND ADDRESS	SOURCE	PURPOSE	AMOUNT REQUESTED	COMMENTS & RECOMMENDATIONS
2168	Hufnagel, Walter - Tappen (Kidder County)	Ground Water	Irrigation	516.1 acre-feet 344.1 acres	516.1 acre-feet 344.1 acres
2314	Iglehart, James P. and John B. - Emmet (McLean County)	Ground Water	Irrigation	1127.6 acre-feet 563.8 acres	630.0 acre-feet 420.0 acres
2321	Ehlis Brothers - New England (Hettinger County)	Unnamed Intermittent Draw, tributary to Cannonball River	Recreation	130.0 acre-feet storage plus 54.0 acre-feet annual use	130.0 acre-feet storage plus 54.0 acre-feet annual use
2327	North Valley Water Association, Inc. - Cavalier (Pembina County)	Pembina River, trib. to Red River	Industrial- (Rural Domestic)	60.0 acre-feet	60.0 acre-feet
2134	Wallace, Donald C. Family Trust - Long Beach, Calif. (McLean County)	Ground Water	Irrigation	316.0 acre-feet 156.0 acres	Defer action at this time pending additional information and studies.